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Committee on Economic, Social and Cultural Rights
Fifty-fourth session

Summary record (partial)* of the 10th meeting**
Held at the Palais Wilson, Geneva, on Friday, 27 February, at 3 p.m.

Chairperson: Mr. Sadi

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* No summary record was prepared for the rest of the meeting.
** No summary records were issued for the 7th to 9th meetings.

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The meeting was called to order at 3.10 p.m.

Miscellaneous matters

Meeting with non-reporting Member States

1. **The Chairperson** said that the purpose of the meeting was to learn why some States parties had not fulfilled their reporting obligations. It was therefore disappointing that representatives of only two States parties, namely Bangladesh and the Lao People's Democratic Republic, had attended the meeting. The Committee remained committed to helping States parties to fulfil their reporting obligations under the Covenant, and the secretariat could provide technical assistance if required. However, it seemed that failures to submit periodic reports were, in some cases, attributable to a lack of political will rather than technical capacity. He invited the representatives who were in attendance to discuss the reasons why they had not yet submitted a report to the Committee.

2. **Ms. Sobhan** (Bangladesh) said that her country's failure to submit a report in a timely fashion did not indicate unwillingness to cooperate with the Committee but rather a lack of technical capacity. Government representatives had already been in contact with the Office of the United Nations High Commissioner for Human Rights (OHCHR) to discuss the situation. The Government had recently created a mechanism to coordinate the efforts of different government ministries under the leadership of the Ministry of Foreign Affairs, to prepare reports for the human rights treaty bodies and had set up a working group to expedite the reporting process.

3. **The Chairperson** said that the State party should inform OHCHR of its technical assistance needs. It might be possible to send a member of the Committee to Bangladesh to provide hands-on training in report preparation.

4. **Ms. Sobhan** (Bangladesh) said that the Government was working closely with the United Nations Development Programme on the report and had already informed OHCHR that its report would be submitted in the near future.

5. **Mr. Sengdara** (Lao People's Democratic Republic) said that the Government was in the process of drafting its periodic report for the Human Rights Committee and hoped to submit it by the end of the year. The preparation of the periodic report for the Committee on Economic, Social and Cultural Rights had been hampered by a lack of human resources rather than a lack of political will. The country was a party to many international human rights instruments but only had sufficient human resources to prepare one periodic report at a time. The Government would endeavour to submit its report to the Committee as soon as possible.

6. **Mr. Kedzia** said that States parties often harboured misconceptions about the reporting process which made them reluctant to submit their reports for fear of criticism. The Committee wished to work in partnership with States parties to help them implement the Covenant. States parties were often able to draw lessons from the constructive dialogue and to build upon the Committee's input. It was important for the Committee to understand the nature of the difficulties facing States parties in order to provide them with appropriate assistance. He invited the representatives of OHCHR in attendance to provide an overview of the assistance offered, pursuant to General Assembly resolution 68/268 (A/RES/68/268) on treaty body strengthening, to States parties that were behind in the fulfilment of their reporting obligations.

7. **Mr. David** (Chief, Capacity Building and Harmonization Section, Human Rights Treaties Division, OHCHR) said that General Assembly resolution 68/268 made provision for additional resources to assist States parties to prepare their reports, and human rights capacity-building officers had been appointed to a number of OHCHR regional offices to

provide assistance in the field; their work was complemented by a team based in Geneva. The Government of Bangladesh could request technical assistance through the human rights adviser appointed to that country. While there was no human rights adviser appointed to the Lao People's Democratic Republic, the Government could contact the OHCHR Regional Office for Asia and the Pacific.

8. **Ms. Meinecke** (Coordinator, treaty body capacity-building programme, Capacity Building and Harmonization Section, Human Rights Treaties Division, OHCHR) said that the launch of the new treaty body capacity-building programme in January 2015 enabled OHCHR regional offices to provide more technical assistance to States parties for the development of an institutional framework to facilitate reporting. A number of States parties had set up coordinating mechanisms similar to that of Bangladesh and OHCHR had begun to collect best practices with a view to publishing a guide for the establishment of such a mechanism. The Office also worked with States parties to improve the effectiveness of national action plans for implementing the recommendations made by the various human rights mechanisms. The Universal Human Rights Index was a useful tool in that respect, and a number of States parties had developed similar databases to track the action taken in response to recommendations made by human rights organizations.

9. Pursuant to General Assembly resolution 68/268, OHCHR could provide States parties with direct assistance in fulfilling their treaty body reporting obligations. States parties could request such assistance by sending a note verbale to or simply e-mailing OHCHR. The Office also planned to establish a roster of experts who could provide training on treaty body reporting and to develop an e-learning tool to contribute to a fuller understanding of the obligations arising from the Covenant. It was hoped that the new treaty body capacity-building programme would be fully rolled out by summer 2015.

10. **Ms. Bras Gomes**, noting that, in most States parties, the preparation and submission of periodic reports appeared to be the exclusive domain of the Ministry of Foreign Affairs, said that the creation of a mechanism to ensure the participation of all relevant government ministries was to be recommended. It would then be easier for the State party to establish priorities and identify areas in which it required technical assistance. The submission of periodic reports and the ensuing dialogue with the Committee were an essential part of the reporting cycle. The Committee remained committed to helping States parties to fulfil their obligations under the Covenant while taking into account their different levels of development and the various obstacles to the full realization of economic, social and cultural rights on the ground.

11. **Ms. Shin** said that it was better to submit a report that was lacking in detail in some areas than to delay the reporting process. She would like to know whether the States parties represented at the meeting would prefer to receive assistance from OHCHR on an individual basis or together with other countries from the region. She also wondered whether OHCHR had considered devising a regional strategy for furthering the implementation of the Covenant.

12. **The Chairperson** asked whether it would be feasible to hold a regional seminar to assist non-reporting States.

13. **Mr. Chen** said that, while the reasons advanced by the representatives of Bangladesh and the Lao People's Democratic Republic for not having submitted a report were perfectly understandable, the Committee looked forward to receiving the States parties' reports and engaging in a constructive dialogue with them in the near future. The Office should identify new ways of fostering closer cooperation between the Committee and States parties as part of the treaty body strengthening process.

14. **Mr. De Schutter** said that it was the responsibility of the Committee to assist States parties to identify shortcomings in the implementation of the Covenant and to provide

support for States parties that lacked the technical capacity to fulfil their reporting obligations. The Committee must take account of the economic situation of a given State party when determining the level of assistance required.

15. **Mr. Abdel-Moneim** said that it was important to distinguish between technical assistance for economic development or the application of human rights norms and assistance in drafting a periodic report. It had become somewhat less time-consuming to prepare a report than in the past thanks to the fact that an initial report could be used as a template and that statistical data were often more readily available from the State party's central statistics office than they had been. In addition, the periodic reports of other States parties could be found on the OHCHR website and used as a frame of reference. Information on the State party could also be obtained from international NGOs.

16. **Ms. Sobhan** (Bangladesh) said that the fact that Bangladesh had become a party to the Covenant demonstrated the Government's commitment to the full realization of economic, social and cultural rights in the country. However, the numerous constraints and challenges facing the country could not simply be ignored. The lack of coordination between the different government ministries was a formidable obstacle and some stakeholders believed that Bangladesh should not have ratified the Covenant in view of the onerous reporting obligations that it entailed. In Bangladesh, there were a number of misconceptions about reporting obligations and, in practice, they were often overshadowed by implementation activities. She welcomed the Committee's assurances of cooperation and its intention to take account of the difficulties posed by her country's current economic situation. The coordinating mechanism was working well and it was expected that the country's periodic report would be submitted before long. She would reiterate the importance of cooperating with the Committee to her Government.

17. **Mr. Sengdara** (Lao People's Democratic Republic) said that he would convey the Committee's assurances of cooperation to his Government.

18. **The Chairperson** said that civil society could also provide valuable assistance to States parties that were behind in the fulfilment of their reporting obligations. There was a learning curve associated with reporting to the Committee and, even if a State party's report was not perfect, the constructive dialogue with the Committee would allow it to make improvements in time for the next reporting cycle.

The discussion covered in the summary record ended at 4.05 p.m.